

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of:)	
)	
Encryption of Amateur Radio)	
Communications)	<u>RM-11699</u>
)	
To: The Chief, Wireless)	
Telecommunications Bureau)	

COMMENTS

I have been a licensed amateur operator since 1961 and I have continuously held commercial radiotelephone licenses since 1965.¹ I oppose the use of encryption in the Amateur Radio Service for the reasons expressed herein.

1. First, the most important aspect of the amateur service post-disasters has been its infinite flexibility. Being that amateurs can be summoned from near and far, arriving with radios and equipment that can and will inter-operate with other amateurs. Akin to the old mariner-in-duress saying, “any port in a storm.” If amateurs go about deciding that only one mode is to be used, or that some unique encoding protocol must be available, it will likely limit participants to only those so-equipped. Adding limited-use modes or protocols will only serve to reduce the potential pool of those available to assist post disaster. There is no guarantee as to availability of amateurs to serve a forthcoming disaster recovery just as there is no good way to predict how many amateur operators would be needed or what part of the country they would need to travel from to assist.

2. The petitioner makes no mention of the particular type of encryption proposed. Without a consensus, inexpensive, widely-available hardware and software

¹ W6EM, PG-12-19879

implementation, those unequipped would be discouraged from enabling their equipment and making themselves available to assist post-disasters. For instance, the radio digital mode Pactor III and its hardware are only available from one manufacturer at a high price, making this mode of limited utility. Effectively, a form of “encryption by proxy.”² If amateurs working post disasters were limited to only those who possess an SKS GmBH Pactor III modem and software, only a very limited number willing to spend upwards of \$1300 each to procure a modem could participate. Amateurs should be afforded the opportunity to comment on preferences for and against various forms of encryption, not just whether or not it should be permitted. Perhaps the use of common, widely-used digital modes such as PSK-31 or X.25 packet to transfer information would be sufficient. X.25 is widely used, even by first responders.³

3. Unique passwords, or “keys” as they are called, would most likely be needed by those in transit to disaster areas with encryption hardware connected to or made part of their radios. The most likely means for providing such “keys” to incoming mobile stations would be via an unencrypted broadcast of some sort. So, anyone equipped with encryption hardware listening to the exchange could henceforth monitor encrypted content using the “key” overheard while listening. So much for privacy concerns.

4. Section 605 of the Communications Act, often referred to as the “Secrecy of Communications” statute, prohibits the release or use of telecommunications content beyond those to whom it is directed. Except, however, in the case of general broadcast, the amateur and citizens band radio services, and stations in distress.⁴ Irrespective of the desires of a select group of amateurs or medical staff customers wishing it were otherwise, it was the intent of Congress to exclude the Amateur Radio Service from any restriction on dissemination of its telecommunication content. Allowing encryption in

² The Pactor III protocol has been published, so it is technically not a form of encryption.

³ Alabama EMS agencies use what appears to be X.25 on VHF frequencies.

⁴ 47USC§605(a) *et. seq.*

the Amateur Radio Service would be contrary to the intent and purpose of Section 605 of the Act.

5. In summary, the Amateur Radio Service is there to serve in times of crisis because it is fundamentally *exoteric* in nature. Akin to “any port in a storm.” Placing restrictions on who can assist and who cannot will only serve to limit the willingness to volunteer. Envisioning the role of the amateur as primarily a critical, life and death or national security link is to misconstrue the nature and fundamental purpose of amateur service. And, its participation in virtually all major disasters of this and the last century. In those instances where it has been the only means available to communicate, it was the use of commonly used modes available to many that saved the day.⁵ Above all, it has been and will continue to be primarily the health and welfare role where the amateur contributes the most value. When normal infrastructure is damaged and unavailable, passing traffic to inquire or advise relatives and friends of personal situations is paramount. Local, state and federal government law enforcement personnel on scene will have at least some telecommunications assets with which to pass sensitive information and such traffic should be their responsibility, not that of amateur volunteers. Especially in envisioned situations where passing such content might place amateur operators themselves in jeopardy or inspire civil disobedience. I would characterize any who imagine themselves in such circumstances as being embellished with an obese sense of self-importance and in dire need of a cranial diet program.

⁵ Hurricane Katrina and other disasters saw examples of use of common simplex VHF FM and HF SSB modes to communicate with responders and distant amateur stations.

I wish to thank the Commission for the opportunity to comment on this proceeding.

Respectfully,

/s/

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July 5, 2013

Certification of Service

This is to certify that on July 5, 2013, I placed a true copy of my Comments in the United States Mail, First Class postage-paid, addressed to the Petitioner in this Proceeding, Mr. Mr. Don Rolph, ABIPH, at his given address, which is: 8 Patty Ann Place, East Walpole, MA 02032.

/s/

W. Lee McVey